Before the
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

In the Matter of	)	
	)	
Application of Sections 251(b)(4) and 224(f)(1) Of the Communications Act of 1934, as amended, To Central Office Facilities of Incumbent Local Exchange Carriers	)	CC Docket No. 01-77
	)	
To The Commission	)	

COMMENTS OF FLORIDA POWER & LIGHT COMPANY
On Petition of Coalition of Competitive Fiber Providers For Declaratory Ruling of Sections 251(b)(4) and 224(f)(1)

FLORIDA POWER & LIGHT COMPANY

By: Jean G. Howard
9250 West Flagler Street
Miami, Florida 33174
Telephone: (305)552-3929

Its Attorney

Electronically Transmitted
April 23, 2001

TABLE OF CONTENTS

SUMMARY

Access within the central office of an ILEC can and should be found on the basis of the interconnection, collocation or unbundling requirements of the ILEC set forth in Section 251.

If the ILEC is the fee owner of the real property on which the provider of telecommunications services needs to install fiber in order to bring that fiber into the central office, then assuming a right in the central office exists under Section 251(a)(1), 251(c)(3) or 251(c)(6), the ILEC cannot prevent exercise of the right interconnection or collocation within the central office by denying access to that central office (regardless and independent of any right under Section 251(b)(4)).

If, however, the ILEC is not the owner of the real property outside the central office (including the building in which the central office is located), then whether the ILEC owns or controls a "right-of-way" and whether such ownership or control permits the ILEC to allow other providers of telecommunications services to use that right-of-way without additional consent of the fee owner, is a matter to be determined by state law. For that reason a "pathway," without more cannot simply be declared to be a "right-of-way" under Section 251(b)(4) or Section 224(f)(1) even if there are good policy reasons to do so. If the ILEC does have such ownership and control then, under Section

251(b)(4), the ILEC may not deny the provider reasonable access to that right-of-way.

All access rules to the central offices of ILECs for providers of telecommunications services should be adopted under 47 U.S.C. § 251 and not 47 U.S.C. § 224. Reasons include: (a) Petitioners' request is for and directed to telecommunications property and uses only and the Commission should not adopt an "overbroad" rule--particularly where constitutional rights are involved; (b) uses of ducts and conduits used for electric facilities (or non-telecommunications facilities of other utilities) are incompatible with such use; (c) mandatory access provisions are to be strictly construed, particularly as they affect use of electric utility property by third parties; (d) as shown on the face of the statute, the Commission has no access rulemaking jurisdiction under Section 224, but does have such jurisdiction under Section 251(b)(4); and (e) the phrase "poles, ducts, conduits, or rights-of-way" has a long history and interpretation under Section 224, was retained in the 1996 amendments to the Pole Attachments Act and does not include inside buildings; the same words or phrases are required to be given the same meaning when used in different parts of a statute in all but extremely limited circumstances, however, Congress will not be deemed to have created redundant provisions: Therefore, since Section 251(b)(4) is part of an entirely new

section and since Congress gave the Commission access rulemaking authority under Section 251, including Section 251(b)(4), but not under Section 224, the Commission could reasonably find under Section 251(b)(4) only, that the ducts, conduits, or rights-of-way (rights of use still to be determined by state law) of ILECs (but not those of other utilities) include those within buildings.

COMMENTS OF FLORIDA POWER & LIGHT COMPANY

Florida Power & Light Company ("FPL") in response to the Commission's Pleading Cycle Established for Comments On Petition of Coalition of Competitive Fiber Providers for Declaratory Ruling of Sections 251(b)(4) and 224(f)(1), CC Docket No. 01-77, respectfully submits the following Comments.

STATEMENT OF INTEREST

FPL is an investor owned electric utility organized as a corporation under the laws of the State of Florida and is a principal subsidiary of FPL Group, Inc. FPL is regulated by the Florida Public Service Commission as a public utility supplying electricity to or for the public within the State of Florida.[1] FPL owns or controls over a million poles, ducts, conduits or rights-of-way within the FPL service territory which covers 27,600 square miles in all or part of 35 Florida counties. FPL is subject to pole attachment rate regulation by the Federal Communications Commission ("Commission") under the Pole Attachments Act, 47 U.S.C. § 224 (hereinafter referred to as "Section 224"). FPL is neither a fiber provider nor an ILEC. [2]

[1] Section 366.02(1), Florida Statutes (2000).

[2] An affiliate (not subsidiary) company of FPL, FPL FiberNet is certified by the Florida Public Service Commission as a

FPL, however, has an interest that the Commission not exceed its delegated jurisdiction under Section 224 though expansive and impermissible interpretations of (a) the entities or facilities subject to Section 224 benefits or obligations; (b) its authority to adopt and enforce access rules affecting electric utility plant and operating practices; and (c) the meaning of the phrase "poles, ducts, conduits, or rights-of-way." After adoption of the Telecommunications Act of 1996, FPL filed comments in Commission proceedings adopting rules and regulations directly implementing Section 224. FPL is a party in the following challenges to Commission interpretations of Section 224; *Southern Company v. Federal Communications Commission,* Case No. 99-15160-GG (consolidated cases), pending in the United States Court of Appeals for the Eleventh Circuit (challenging Commission First Report and Order, No. 96-325; CC Docket No. 96-98 and access rules and regulations) and *Federal Communications Commission v. Gulf Power Company,* Case No. 00-843(consolidated cases)(appeal of Commission First Report and Order, No. 98-20; CS Docket No. 97-151), *certiorari granted in part, 121 S.Ct. 879 (Jan. 22, 2001)* (challenging Commission pole attachment jurisdiction over Internet and wireless facilities).

---

communications company and provides fiber in addition to other

I. INTRODUCTION

Petitioners, the Coalition of Competitive Fiber Providers ("Coalition"), seek a declaration from the Commission that competitive fiber providers, pursuant to Sections 251(b)(4) and 224(f)(1) of the Telecommunications Act of 1996, Pub. L. No. 104-104 ("the Act") have a right to nondiscriminatory access to any duct, conduit, or right-of-way owned or controlled by an incumbent local exchange carrier ("ILEC") leading to or located in ILEC central offices. In these Comments, FPL addresses: (a) the Commission's potential for continued impermissible expansions of rights and obligations under Section 224; (b) the failure of the Coalition to sufficiently distinguish Commission authority with respect to Section 224(f)(1) and Section 251(b)(4); and (c) the failure of the Coalition to acknowledge that the Commission's authority to adopt and enforce rules and regulations with respect to access to the central offices of ILECs and to install additional equipment therein arises, if at all, under Section 251 and not under Section 224.

The Coalition has represented that all of its members are "telecommunications carriers" which have or are in the process of

---

telecommunication services.

obtaining state certification.[3] FPL, therefore, does not here question the identity of Coalition Providers as providers of telecommunications services. FPL does challenge the Coalition's request that Section 224 benefits and burdens be extended to any Coalition equipment, not just to the fiber (which is a wireline facility). FPL also challenges the Coalition's request that the Commission declare a "pathway" to be "right-of-way" for purposes of Section 224(f)(1) and 251(b)(4) whether or not the underlying fee is owned or controlled by the ILEC. Because the Commission has established a pleading cycle for comments of interested parties in this matter, FPL does not here address or raise any issue as to the procedure employed, but reserves its right to do so.

II. "ACCESS" TO DUCTS, CONDUITS, OR RIGHTS-OF-WAY LEADING TO AND IN ILEC CENTRAL OFFICES SHOULD BE FOUND, IF AT ALL, UNDER SECTION 251 AND NOT SECTION 224.

Congress plainly and intentionally distinguishes between Section 251(b)(4) and Section 224(f)(1). The Coalition recognizes that the Congressional goals in Section 224 and Section 251 are different:[4] That Section 224 is intended to solve a more general problem - the prohibitive expense associated with duplicating the

[3] Petition of the Coalition at pg. 1.

[4] Petition of the Coalition at pgs. 6-7.

infrastructure (poles, ducts, conduits, or rights-of-way) by regulating the attachment while Section 251 provisions are associated with interconnection concerns, *e.g.*, accessing unbundled network elements. The Coalition, however, fails to distinguish the differences in the Commission's authority to implement those sections.

Section 251, including Section 251(b)(4), addresses the large arena of competitive markets of telecommunications carriers--and only those carriers. It provides on a very broad scale for the sharing and direct and indirect interconnection or collocation of all types of telecommunications facilities, equipment and other network elements of the telecommunications carrier in order to encourage growth of that market. In contrast, Section 224 addresses only the very narrow fact of wireline pole attachments[5] and what constitutes a fair and reasonable fee for such attachment. Significantly, Section 224, now as in 1978, includes not only the ILEC telecommunication carriers but all private utilities which are not telecommunications carriers, *i.e.*, the private "electric, gas, water, steam, or other public utility, and who owns or controls

---

[5] *Gulf Power Company v. FCC*, 208 F.3d 1263 (11th Cir. 2000), *pet. rehearing denied en banc*, 226 F.3d 1220, *certiorari granted in part, Federal Communications Commission v. Gulf Power Company*, 121 S.Ct. 879 (Jan. 22, 2001)(No. 00-843).

poles, ducts, conduits, or rights-of-way used, in whole or in part, for any wire communications."[6] Congress recognized the inherent difficulty in extending Commission jurisdiction over industries and entities that are not telecommunications carriers. In 1978[7] and in 1996, therefore, Congress made clear that Commission regulatory authority under Section 224 was "strictly circumscribed." Congress granted the Commission narrow authority to "issue guidelines to be used in determining whether the rates, terms, and conditions for CATV pole attachments are just and reasonable in any particular case."[8] This narrow jurisdiction changed in 1996 only to the extent that additional guidelines were adopted to apply to competing providers of telecommunications services.[9]

III. THE COMMISSION HAS JURISDICTION TO ADOPT AND ENFORCE ACCESS RULES AND REGULATIONS WITH RESPECT TO SECTION 251, INCLUDING SECTION 251(b)(4): THE COMMISSION HAS NO SUCH JURISDICTION WITH RESPECT TO SECTION 224 AND SECTION 224(f).

The Telecommunications Act of 1996, Pub. L. No. 104-104, contains several titles, each with several sections. These

---

[6] 47 U.S.C. § 224(a)(1).

[7] S. Rep. No. 95-580 at pg. 15.

[8] *Id.* at *n. 7, supra.*

[9] 47 U.S.C. § 224(d)(3).

sections are codified in various sections of Title 47 of the United States Code. The organization of Pub. L. No. 104-104 is itself instructive as to its plain meaning and the intent of Congress. Part II of Title I-Telecommunications Services, is entitled Development of Competitive Markets. Within this Development of Competitive Markets, Part II, is Section 251 which is entitled Interconnection and is an entirely new section containing many subsections. One of the subsections within this Interconnection Section is Section 251(b)(4) Access to Rights-Of-Way. Other 251 sections providing for access are Sections 251(a)(1)(general duty and goal for direct or indirect interconnection), 251(c)(3)(unbundled access to network elements) and 251(c)(6)(collocation). In Section 251(d)(1), Congress expressly required the Commission to implement the provisions of Section 251-- which includes Section 251(b)(4). Congress did not do so with respect to the nondiscriminatory access provisions of Section 224(f).[10]

Title VII of the Act is entitled Miscellaneous Provisions. It contains several sections, including Section 703 which is

---

[10] *See FPL Reply Brief* at pgs. 17-23, *Southern Company v. Federal Communications Company*, Case No. 99-15160-GG, before the United States Court of Appeals for the Eleventh Circuit, attached hereto as Appendix A. Congress, in Section 251(b)(4) as in Section 224, maintains the distinction between the Commission's jurisdiction over the right of access and its jurisdiction to regulate the "rates, terms and conditions" of the attached facility.

entitled Pole Attachments.[11] Unlike Section 251 which was wholly added in 1996 under Part II to aggressively promote the development of competitive telecommunications markets, Section 703 is not a new section. Section 703 contains partial modifications to the Pole Attachments Act which was adopted in 1978 and which has a long history of implementation and interpretation. The phrase "poles, ducts, conduits, or rights-of-way" appears numerous times throughout the Pole Attachments Act and is left unchanged from its 1978 usage. Also left largely unchanged is the identity of those utilities subject to the burdens of the Pole Attachments Act, namely a utility "who owns or controls poles, ducts, conduits, or rights-of-way used, in whole or in part, for any wire communications".[12] Also unchanged is the often used phrase "rates, terms, and conditions for pole attachments."[13] Among the 1996 changes to Section 224 was the addition of the wireline attachments of competing telecommunications carriers to the Commission regulation over rates, terms, and conditions for pole attachments[14] and the addition of Sections 224(f)(1) and (2) to create a statutory and

---

[11] Section 703 of the Act is codified at 47 U.S.C. § 224.

[12] 47 U.S.C. § 224(a)(1) (emphasis added). The term "any" was added in 1996.

[13] 47 U.S.C. § 224(b).

[14] 47 U.S.C. § 224(a)(4).

judicially enforceable right of "nondiscriminatory access to any pole, duct, conduit, or right-of-way owned or controlled by [the burdened utility]."[15] This Section 224(f)(1) access right, though mandatory, is limited by the statute itself to a right of "nondiscriminatory" access[16] and is not a blanket right of attachment which vests regardless of whether any other entity protected under Section 224 has attached. The right of access is also conditioned on available capacity and on the safety, reliability and generally applicable engineering requirements of the obligated utility.[17]

It is a basic principle of law that because a statute is to be read as a whole, the same words or phrases when used in

---

[15] 47 U.S.C. § 224(f)(1). Because the poles, ducts, conduits, or rights-of-way of the burdened utilities are private property, the court properly concluded that any statutory impairment of the ability of such utility to exclude whomever it wished from physical access to its private property--to "discriminate" in allowing access--was a takings under the rigid *per se* takings rule of *Loretto v. Teleprompter Manhattan CATV Corp.*, 458 U.S. 419 (1982). *Gulf Power Company v. United States*, 187 F.3d 1324 (11th Cir. 1999) *pet. rehearing denied en banc*, 226 F.3d 1220, *certiorari granted in part, Federal Communications Commission v. Gulf Power Company*, 121 S.Ct. 879 (Jan. 22, 2001)(No. 00-843) (leaving undecided whether the Commission adopted rate regulation fails to provide just compensation in all cases thereby rendering Section 224(f) unconstitutional on its face).

[16] If a utility has no wireline attachments used for communications on a particular class of its facilities, *e.g.*, transmission towers, and denies access to those facilities. equally, the utility would not be discriminating and the "right" of access under Section 224(f)(1) would not apply.

[17] 47 U.S.C. § 224(f)(2).

different parts of a statute are, except in extremely rare circumstances, to be interpreted to have the same meaning. *See United States v. Cleveland Indians Baseball Company, No. 00-203*, 2001 WL 376554(U.S.), (Apr. 17, 2001). Therefore, the phrase "poles, ducts, conduits or rights-of-way" and the phrase "rates, terms, and conditions" should be generally interpreted to mean the same thing in Section 251(b)(4) as they do in Section 224. This is far different from saying that the Commission's authority to adopt and enforce rules and regulations under those two sections is the same. It is also a basic principle of law that terms or phrases carried over from previously adopted statutes into the replacement or amended statute will carry with them the same meaning as they had in the prior law. *See United States v. Cleveland Indians Baseball Company, Id., (*court defers to longstanding interpretations of words or phrases); *Lorillard v. Pons*, 434 U.S. 575 (1978)(Congress presumed to have had knowledge of interpretation given to incorporated law). And it is a basic principle of law that no construction of a statute should be adopted which would render the statutory words or phrases meaningless, redundant or superfluous. *See Kungys v. United States*, 485 U.S. 759, 778 (1988)(cardinal rule of statutory interpretation that no provision should be construed as entirely redundant); *United States v. Caraballo*, 200 F.3d 20, 24-25, (1st

Cir. 1999) citing *South Carolina v. Catawba Indian Tribe, Inc.*, 476 U.S. 498, 510, n. 22 (1986). Congress, therefore, as the Coalition suggests but does not carry far enough, adopted Section 251(b)(4) for a different purpose than that already served by Section 224(f). In Section 251(b)(4), Congress did not limit access to a right of nondiscriminatory access, but created a broader initial access right and directed the Commission to adopt rules and regulation to implement "all the requirements of [Section 251]," which includes Section 251(b)(4).[18] Consistent with the plain statutory language and the Congressional policy of promoting telecommunications markets through shared use of telecommunications property (real or personal) owned or controlled by the ILECs and consistent with the case law cited below, the Commission could reasonably determine that under Section 251(b)(4), but not Section 224(f), that "ducts, conduits, or rights-of-way" owned or controlled by the ILEC (but not other utilities), include those located within buildings. (State law would still control the extent to which such rights-of-way may be apportioned or assigned.)

[18] 47 U.S.C. § 251(d)(1). Consistent with the requirements and purposes of the 1996 Telecommunications Act, all those requesting access pursuant to Section 251, would have to be treated in a nondiscriminatory manner or at a minimum so to not have the effect of preventing that requesting entity from providing telecommunications services.

The lack of Commission authority to adopt rules and regulations as to access, including access to "poles, ducts, conduits, or rights-of-way," under Section 224, including Section 224(f)(1), is discussed in detail in the Reply Brief of Florida Power & Light Company in *Southern Company v. Federal Communications Commission, supra.* A copy of that brief is attached hereto as Appendix A and is incorporated herein.[19] Key points in the jurisdictional issue include:

- The phrase "rates, terms, and conditions" of pole attachments has always meant and continues to mean as to the attached attachment and not as to access.
- Where Congress intended to address access rulemaking authority with resect to "poles, ducts, conduits, or rights-of-way," it has done so expressly.
- Congress expressly used the term "access" in addition to the phrase "rates, terms, and conditions," in Section 251 and in Section 224 when it meant to address access and the Commission's jurisdiction or lack thereof with respect to such access.

[19] FPL also raised this lack of access jurisdiction under Section 224 in FPL's Comments filed *In the Matter of Promotion of Competitive Networks in Local Telecommunications Markets,* WT Docket No. 99-217; CC Docket No. 96-98.

- Congress created a separate and independent right of access for telecommunications companies in Section 251(b)(4) at "rates, terms, and conditions" consistent with, not necessarily identical to, those in Section 224.
- Congress expressly directed the Commission to "establish regulations to implement the requirements of [Section 251]," including Section 251(b)(4).
- Congress specifically directed the Commission to prescribe regulations under Section 224 to govern charges for pole attachments used by telecommunications carriers to provide telecommunications services.
- Congress did not direct the Commission to adopt rules and regulations with respect to access rights and obligations under Section 224(f).
- 47 U.S.C. § 201(b) does not override the express limitations in Section 224.[20]

---

[20] *AT&T Corporation v. Iowa Utilities Board*, 525 U.S. 366 (1999) can be distinguished on several grounds, including the fact that Congress has expressly given the Commission no direct jurisdiction in certain instances and has strictly circumscribed the Commission's pole attachment jurisdiction. The Commission has no "ancillary jurisdiction" to regulate, make determinations as to and then enforce requirements under Section 224 involving the highly technical requirements of capacity, safety, reliability and sound engineering principles involving and affecting the physical plant and operations of the electric utility; matters which are regulated by states. Section 224(c)expressly states that the Commission is not given pole attachment jurisdiction where such matters are regulated by a state.

- The Commission has no expertise in and does not regulate requirements of electric utility capacity, safety, reliability and sound engineering principles and, therefore, cannot adopt and then enforce requirements determining or affecting such concerns, including its right to order a utility to cease and desist from practices involving capacity, safety, reliability and sound engineering principles.
- Section 224(f)(1) creates a federally enforceable right of nondiscriminatory access, a violation of which can be decided only on a fact specific case-by-case basis through evidentiary proceedings; electric utilities do not construct or operate their facilities according to "cookie cutter" standards and how certain safety or other requirements are met varies from utility to utility.
- Evidentiary proceedings and case-by-case determinations (not merely on an occasional basis but as a general requirement and necessity) is in direct conflict with long established Congressional intent and Commission expressions that Commission rulemaking and enforcement of pole attachment regulations necessitate a minimum of staff paper work, time and procedures.

IV. A "RIGHT-OF-WAY" FOR PURPOSES OF SECTION 251 OR SECTION 224 JURISDICTION CANNOT BE CREATED BY MERELY DECLARING THAT A "PATHWAY" IS A RIGHT-OF-WAY.

If the Coalition Providers (or other providers of telecommunications services) have a right of access to the central offices of ILECs under Sections 251(a)(1), 251(c)(3), 251(c)(6)[21] or other right, then as a necessarily implied additional right, such providers would also have the right to cross other lands to reach that office to the extent that such lands are either owned or controlled by the ILECs irrespective of the existence of Section 224(f)(1) or Section 251(b)(4). However, if those lands, as determined by state law, are not owned or controlled by the ILECs to the extent necessary to allow such access, then for the reasons set forth in the *Comments, Reply Comments, and Petition for Reconsideration* of FPL and those of the Real Access Alliance, *In the Matter of Promotion of Competitive Networks in Local Telecommunications Markets*, WT Docket No. 99-217, CC Docket No. 96-98 and adopted herein, neither the ILEC nor the Commission can require the third party landowner to accept such access, whether or not compensation is

[21] FPL agrees with the Coalition that under Section 251(c)(6), ILECs must permit collocation of equipment necessary for interconnection or access to UNEs whether direct or indirect. Petition of Coalition at pgs. 13-14.

paid.[22] Under Section 224(f)(1) or Section 251(b)(4) a "pathway" cannot become a "right-of-way" upon declaration even for sound policy reasons and the existence of a "right-of-way" does not in itself create a right of access to the fee owned by another entity.[23] Where the ILEC owns the property, it cannot have an easement on that property because an easement merges with fee ownership and ceases to exist. Nor can it rightfully be said to have a "right-of-way" over its own property. To the extent that a "right-of-way" can itself be owned in fee, that entire fee must be used as a right-of-way, *i*.e., a lengthy corridor used for the purposes of transporting something by running parallel to or crossing boundaries of various adjacent properties.[24] In that case, the Commission could reasonably find a right of access to that right-of-way without regard to whether the ILEC is using its right-of-way for "wire communications--a reasonable presumption with respect to telecommunications carriers--and without regard as to whether the ILEC has a policy, applied in a nondiscriminatory manner, as to all such requesting entities and uses.

---

[22] *See Comments and Reply Comments* of FPL and those of the Real Access Alliance, *In the Matter of Promotion of Competitive Networks in Local Telecommunications Markets*, WT Docket No. 99-217, CC Docket No. 96-98.

[23] *Id.*

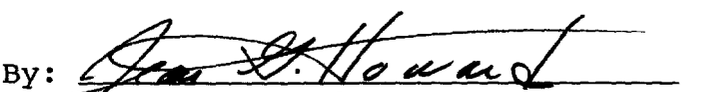
[24] *Id.*

CONCLUSION

The Commission's authority to adopt and enforce access rules and regulations with respect to poles, ducts, conduits, or rights-of-way is found under Section 251 and not Section 224. Where fiber owned by providers of telecommunication services must be installed in whole or in part on lands not owned in fee by the ILEC, the access rules and regulations must consider whether, as determined by state law, the ILEC has sufficient ownership or control to allow for such access.

Respectfully submitted,

FLORIDA POWER & LIGHT COMPANY

By: 

Jean G. Howard
9250 West Flagler Street
Miami, Florida 33174
(305) 552-3929

Its Attorney

CERTIFICATE OF SERVICE

I, Jean G. Howard, hereby certify that on this 23rd day of April, 2001, the foregoing Comments were electronically transmitted to the Commission and copies were served by mail on the following:

Andrew D. Lipman, Esquire
Patrick J. Donovan, Esquire
Swidler Berlin Shereff Friedman, LLP
3000 K Street, N.W., Suite 300
Washington, DC 20007

International Transcription Services
445 Twelfth Street, S.W.
Room CY-B402
Washington, DC 20554

Bruce Frankiewich
Vice President of Legal and Regulatory Affairs
American Fiber Systems, Inc.
100 Meridian Centre - Suite 250
Rochester, NY 14618

Shirley S. Fujimoto, Esq.
McDermott, Will & Emery
600 13th Street, NW
Washington, DC 20005-3096

Charles Stockdale
Vice President and Corporate Counsel
Fiber Technologies, LLC
140 Allens Creek Road
Rochester, NY 14618

Charles A. Zdebski, Esq.
Troutman Sanders, L.L.P.
401 9th Street, NW
Suite 1000
Washington, DC 20004-2134

Steven Morris
Director, Regulatory Affairs
Global Metro Networks
8401 Colesville Road
Silver Spring, MD 20910

Brett W. Kilbourne, Esq.
United Telecom Council
Suite 1140
1140 Connecticut Ave., NW
Washington, DC 20036

Theresa Atkins
Assistant General Counsel
Telergy Network Services, Inc.
One Telergy Parkway
East Syracuse, NY 13057

Steven Miller
General Counsel
Telseon Carrier Services, Inc.
7887 East Belleview Avenue
Englewood, CO 80111

Sent by Overnight Mail to:

Magalie Roman Salas
Federal Communications
Commission
The Portals - TW A325
445 Twelfth Street, S.W.
Washington, DC 20554

(Courtesy copy)Original
transmitted electronically)

Dorothy Atwood
Chief, Common Carrier Bureau
Federal Communications
Commission
Common Carrier Bureau
445 12th Street, S.W.
Suite 5A848
The Portals
Washington, DC 20554

Jordan Goldstein
Federal Communications
Commission
445 12th Street, S.W.
The Portals
Washington, DC 20554

Kyle Dixon
Federal Communications
Commission
445 12th Street, S.W.
The Portals
Washington, DC 20554

Chairman Michael K. Powell
Federal Communications
Commission
445 12th Street, S.W. - 8th Floor
The Portals
Washington, DC 20554

Janice Myles
Common Carrier Bureau
Policy and Program Planning
Division
Rm 554
Federal Communications
Commission
445th 12th Street S.W.
Washington, DC 20554

Susan Ness, Commissioner
Federal Communications
Commission
445 12th Street, S.W.
The Portals
Washington, DC 20554

Rebecca Bynon
Federal Communications
Commission
445 12th Street, S.W.
The Portals
Washington, DC 20554

Harold Furchtgott-Roth,
Commissioner
Federal Communications
Commission
445 12th Street, S.W.
The Portals
Washington, DC 20554

Sarah Whitesell
Federal Communications
Commission
445 12th Street, S.W.
The Portals
Washington, DC 20554

By: Jean G. Howard
Jean G. Howard

APPENDIX A